

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.24805 of 2004

Between:

Upparpalli Gram Panchayat rep by its Sarpanch Smt.Ande Parvathi
Chennaraopet (M), Warangal Dist.

..... PETITIONER

AND

- 1 The Chief Executive Officer, Zilla Parishad, Warangal Dist.
- 2 The Mandal Parishad Development Officer, Chennaraopet (M),

Warangal Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of mandamus declaring the impugned proceedings No.N1/3784/2004 dt 29-10-2004 unilaterally canceling the already sanctioned works in favour of the petitioner Gram Panchayat vide office proceedings No.N.1/3311/04 dt 16-10-2004 as totally arbitrary, illegal and without jurisdiction and violative of the principles of natural justice and consequently set aside the same with all consequential benefits.

Counsel for the Petitioner: MR.S.LAKSHMA REDDY

Counsel for the Respondents: SMT. JYOTHI ESWAR GOGINENI

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for petitioner and learned Standing Counsel for Respondents.

The grievance of the petitioner-Gram Panchayat in this writ petition is that the work sanctioned earlier in favour of the petitioner-Gram Panchayat by the 1st respondent-Chief Executive Officer, Zilla Parishad vide proceedings No.N.1/3311/04, dated 16.10.2004 was cancelled and diverted to some other area by the 1st respondent vide proceedings No.N1/3784/2004, dated 29.10.2004 based on the letter dated 28.10.2004 addressed by the 2nd respondent-Mandal Parishad Development Officer. It is stated that the petitioner-Gram Panchayat made a representation dated 30.10.2004 to the first respondent requesting him not to cancel the earlier sanctioned work and the 1st respondent in turn called for the report in the matter from the 2nd respondent and the matter is seized by the 1st respondent for taking appropriate decision.

Having regard to the fact that on the representation made by the petitioner-Gram Panchayat dated 30.10.2004,

Admittedly, pursuant to the representation of the petitioner dated 30-10-2004, the 1st respondent-Chief Executive Officer has already called for a report from the 2nd respondent-Mandal Parishad Development Officer to take appropriate action in the matter, and the matter is seized up with the first respondent. Hence, without going into merits of the matter,

I deem it appropriate to dispose of the writ petition, with the following direction:

The 1st respondent-Chief Executive Officer is directed to obtain the necessary report from the second respondent and to consider the same and pass appropriate orders, in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of at the admission stage. No costs.

(N.V. RAMANA, J)

Date: 30.12.2004

Nsr/Tvk

.... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Chief Executive Officer, Zilla Parishad, Warangal Dist.
- 2 The Mandal Parishad Development Officer, Chennaraopet (M),

Warangal Dist.

- 3 Two CD copies.